

# HOUSE JOURNAL

## OF THE

# IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTIETH LEGISLATURE

THIRTY-THIRD LEGISLATIVE DAY  
FRIDAY, FEBRUARY 12, 2010

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 65 members present.

Absent and excused – Bedke, Clark, Loertscher, Ruchti, Smith(24). Total – 5.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Sara Carter, Page.

### Approval of Journal

February 12, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-second Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

### Consideration of Messages from the Governor and the Senate

At this time, the Speaker put the House at ease.

A Lincoln Day Memorial Service was presented to the members of the House.

Opening Remarks ..... Representative Darrell Bolz

Posting of the Colors ..... Boy Scouts

Pledge of Allegiance..... Taylor Takasugi

"Swing Low Sweet Chariot" ..... Cheri Buckner-Webb, soloist  
& Michael Boney, pianist

"Finding the Underground Railroad" ..... David Leroy

"Wade in the Water" ..... Cheri Buckner-Webb & Michael Boney

"Lincoln, the Emancipator and Idaho" ..... David Leroy

"Battle Hymn of the Republic" ..... Cheri Buckner-Webb  
& Michael Boney

Concluding Remarks ..... Representative Darrell Bolz

Prior to going at ease, the House was at the Fourth Order of Business.

February 11, 2010

Mr. Speaker:

I return herewith enrolled [H 379](#) which has been signed by the President.

WOOD, Secretary

Enrolled [H 379](#) was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 11, 2010

Mr. Speaker:

I return herewith [HP 3](#) which has passed the Senate.

WOOD, Secretary

[HP 3](#) was ordered filed in the office of the Chief Clerk.

### Report of Standing Committees

February 12, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 40](#), [HCR 41](#), [H 514](#), [H 515](#), [H 516](#), [H 517](#), [H 518](#), [H 519](#), [H 520](#), [H 521](#), [H 522](#), [HJR 3](#), [HJR 4](#), and [HJR 5](#).

CLARK, Chairman

[HCR 40](#) and [HCR 41](#) were referred to the Agricultural Affairs Committee.

[H 514](#), [H 515](#), and [H 516](#) were referred to the Local Government Committee.

[H 517](#), [H 518](#), and [H 519](#) were referred to the Health and Welfare Committee.

[H 520](#), [H 521](#), [H 522](#), [HJR 3](#), [HJR 4](#), and [HJR 5](#) were referred to the State Affairs Committee.

February 12, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 388](#), [H 439](#), and [H 440](#).

CLARK, Chairman

The Speaker announced he was about to sign enrolled [H 388](#), [H 439](#), and [H 440](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 12, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 406](#) to the Governor at 12:54 p.m., as of this date, February 11, 2010.

CLARK, Chairman

February 11, 2010

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration [HJM 9](#), [H 415](#), [H 416](#), [H 417](#), and [H 463](#) and recommend that they do pass.

STEVENSON, Chairman

[HJM 9](#), [H 415](#), [H 416](#), [H 417](#), and [H 463](#) were filed for second reading.

February 12, 2010

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 488](#) and recommend that it do pass.

LAKE, Chairman

[H 488](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

#### **Motions, Memorials, and Resolutions**

#### **HOUSE JOINT MEMORIAL NO. 11 BY ENVIRONMENT, ENERGY, AND TECHNOLOGY COMMITTEE**

##### **A JOINT MEMORIAL**

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixtieth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Cap-and-Trade will dramatically affect American farmers as it is estimated that this legislation will cause farm income to drop 94 percent, or over \$50 billion by 2035; and

WHEREAS, the cost for hard-working American families will be staggering, totaling \$890 per family per year according to the Congressional Budget Office, and at least \$1,218 per average annual household burden, or approximately two percent of the average household income; and

WHEREAS, these huge costs per family will fail to accomplish environmental goals because climate models and environmental groups show that reductions would have little or no detectable impact on global average temperatures; and

WHEREAS, under the Waxman-Markey Cap-and-Trade system, once carbon emissions allowances are distributed, entities will be free to buy and sell allowances, creating a billion dollar commodity and derivatives market subjecting energy prices to Wall Street speculation and market volatility; and

WHEREAS, Cap-and-Trade could increase greenhouse gas emissions, as the cost of complying with the legislation could force companies to move their industrial operations to countries with inferior pollution control technology resulting in five-times greater emissions of greenhouse gases and causes lost jobs at a time when we cannot afford it; and

WHEREAS, the Waxman-Markey bill expands the realm of the federal government over energy utilities and manufacturers, establishes new federal agencies, and allocates taxpayer funds to be handed out at the discretion of the EPA Administrator and the U.S. Secretary of Energy.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize that Cap-and-Trade is a tax on energy that falls on hard-working Idaho families and that the cost of this tax greatly exceeds any benefit, especially in this time of economic crises and that we urge our members of Congress to vote "NO" on Cap-and-Trade and Congress as a whole to reject all efforts to use global warming as a pretext to increase federal revenues.

BE IT FURTHER RESOLVED that we support the use of all energy sources that will reduce carbon emissions, especially

nuclear, clean-coal and renewable energy technologies including wind, solar, geothermal and hydropower.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

[HJM 11](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

#### **Introduction, First Reading, and Reference of Bills and Joint Resolutions**

#### **HOUSE BILL NO. 523 BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE**

##### **AN ACT**

RELATING TO THE JUVENILE CORRECTIONS ACT; AMENDING SECTION 20-507, IDAHO CODE, TO PROVIDE THAT THE COURT RETAINS JURISDICTION OVER VIOLATIONS OF PROBATION OR INFORMAL DISPOSITION FILED PRIOR TO A FORMER JUVENILE'S TWENTY-FIRST BIRTHDAY.

#### **HOUSE BILL NO. 524 BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE**

##### **AN ACT**

RELATING TO FEES; AMENDING SECTION 1-1623, IDAHO CODE, TO PROVIDE AN ADDITIONAL SOURCE OF MONEYS FOR THE IDAHO STATEWIDE TRIAL COURT AUTOMATED RECORDS SYSTEM TECHNOLOGY FUND; AMENDING SECTION 1-1625, IDAHO CODE, TO PROVIDE AN ADDITIONAL SOURCE OF MONEYS FOR THE DRUG COURT, MENTAL HEALTH COURT AND FAMILY COURT SERVICES FUND; AMENDING CHAPTER 32, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3201H, IDAHO CODE, TO ESTABLISH AN EMERGENCY SURCHARGE FEE AND TO REQUIRE THE DEPOSIT OF SUCH FEES INTO CERTAIN FUNDS; AND DECLARING AN EMERGENCY.

#### **HOUSE BILL NO. 525 BY COMMERCE AND HUMAN RESOURCES COMMITTEE**

##### **AN ACT**

RELATING TO THE FILM AND TELEVISION PRODUCTION BUSINESS REBATE FUND; AMENDING SECTION 67-4728, IDAHO CODE, TO CLARIFY THAT THE FILM AND TELEVISION PRODUCTION BUSINESS REBATE FUND MAY CONSIST OF GRANTS, FEDERAL MONEYS, DONATIONS OR FUNDS FROM ANY OTHER SOURCE.

#### **HOUSE BILL NO. 526 BY COMMERCE AND HUMAN RESOURCES COMMITTEE**

##### **AN ACT**

RELATING TO SECURITY INTERESTS; AMENDING SECTION 28-9-310, IDAHO CODE, TO PROVIDE THAT FILING A FINANCING STATEMENT IS NOT NECESSARY TO PERFECT A SECURITY INTEREST IN TIMBER SOLD BY THE STATE OF IDAHO.

**HOUSE BILL NO. 527**  
**BY COMMERCE AND HUMAN RESOURCES**  
**COMMITTEE**  
 AN ACT

RELATING TO THE INDUSTRIAL COMMISSION; AMENDING SECTION 72-528, IDAHO CODE, TO REVISE PROVISIONS RELATING TO REQUIRED STATISTICAL INFORMATION AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 528**  
**BY BUSINESS COMMITTEE**  
 AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-2872, IDAHO CODE, TO PROVIDE CERTAIN CONTRACTUAL OBLIGATIONS OF AN INSURANCE COMPANY ISSUING BENEFITS PURSUANT TO CHAPTER 28, TITLE 41, IDAHO CODE; AND AMENDING SECTION 41-3927, IDAHO CODE, TO PROVIDE CERTAIN CONTRACTUAL OBLIGATIONS OF A MANAGED CARE ORGANIZATION.

**HOUSE BILL NO. 529**  
**BY BUSINESS COMMITTEE**  
 AN ACT

RELATING TO INSURANCE CONTRACTS WITH PROVIDERS OF DENTAL SERVICES; AMENDING CHAPTER 18, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1849, IDAHO CODE, TO PROVIDE PROVISIONS FOR CONTRACTS WITH PROVIDERS OF DENTAL SERVICES, TO DEFINE "COVERED SERVICES" AND TO PROVIDE APPLICATION; AMENDING CHAPTER 34, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-3444, IDAHO CODE, TO PROVIDE PROVISIONS FOR CONTRACTS WITH PROVIDERS OF DENTAL SERVICES, TO DEFINE "COVERED SERVICES" AND TO PROVIDE APPLICATION.

**HOUSE BILL NO. 530**  
**BY BUSINESS COMMITTEE**  
 AN ACT

RELATING TO INSURANCE; REPEALING SECTION 41-2872, IDAHO CODE, RELATING TO HEALTH CARE PROVIDER CONTRACTS AND TO GRIEVANCE PROCEDURE; AMENDING SECTION 41-2801, IDAHO CODE, TO DELETE A CODE REFERENCE; REPEALING SECTION 41-3927, IDAHO CODE, RELATING TO HEALTH CARE PROVIDERS, PARTICIPATION BY ANY QUALIFIED, WILLING PROVIDER, CONTRACTS AND GRIEVANCE PROCEDURE; AND AMENDING SECTION 41-3904, IDAHO CODE, TO DELETE A CODE REFERENCE.

**HOUSE BILL NO. 531**  
**BY RESOURCES AND CONSERVATION COMMITTEE**  
 AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 9-340C, IDAHO CODE, TO PROVIDE FOR THE CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO IDAHO FISH AND GAME LICENSES, PERMITS AND TAGS; AMENDING SECTION 36-402, IDAHO CODE, TO PROVIDE FOR THE CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO IDAHO FISH AND GAME LICENSES, PERMITS AND TAGS; AMENDING SECTION 36-1510, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS RELATING TO INTERFERENCE WITH THE TAKING OR CONTROL OF WILDLIFE ALSO

APPLY TO TRAPPING, TO PROHIBIT INTENTIONAL INTERFERENCE WITH LAWFUL WILDLIFE CONTROL BY ANOTHER, TO DELETE THE PROHIBITION OF ENTERING OR REMAINING IN AN AREA WHERE AN ANIMAL MAY BE TAKEN WITH THE INTENT TO INTERFERE WITH THE LAWFUL TAKING OR PURSUIT OF WILDLIFE, TO PROHIBIT CERTAIN HARASSMENT, INTIMIDATION OR THREATS RELATING TO THE LAWFUL TAKING AND CONTROL OF FISH AND WILDLIFE AND TO CLARIFY THAT CERTAIN PROHIBITIONS SHALL NOT APPLY TO CONSTITUTIONALLY PROTECTED ACTIVITIES; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 532**  
**BY RESOURCES AND CONSERVATION COMMITTEE**  
 AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-111, IDAHO CODE, TO PROVIDE FOR MONEYS RECEIVED FROM THE SALE OF CONSERVATION PERMITS; AMENDING CHAPTER 4, TITLE 36, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 36-409B, IDAHO CODE, TO AUTHORIZE THE FISH AND GAME COMMISSION TO PROMULGATE RULES RELATING TO THE ENTRY UPON CERTAIN DEPARTMENT LANDS AND TO PROVIDE FOR CONSERVATION PERMITS; AMENDING SECTION 36-416, IDAHO CODE, TO PROVIDE FOR FEES FOR CONSERVATION PERMITS; AND AMENDING SECTION 36-1401, IDAHO CODE, TO PROVIDE THAT CERTAIN CONDUCT SHALL CONSTITUTE AN INFRACTION.

**HOUSE BILL NO. 533**  
**BY RESOURCES AND CONSERVATION COMMITTEE**  
 AN ACT

RELATING TO INVASIVE SPECIES; AMENDING SECTION 67-7008A, IDAHO CODE, TO PROVIDE THAT SAILBOATS SHALL BE ASSESSED A FEE, TO REVISE FEE PROVISIONS, TO PROVIDE FOR FEES FOR ADDITIONAL VESSELS IN EXCESS OF ONE HUNDRED VESSELS FOR LICENSED OUTFITTERS, TO PROVIDE FEE RATES FOR CERTAIN GROUPS EXEMPT FROM SPECIFIED LICENSING, TO PROVIDE FOR THE RETENTION OF CERTAIN FEES, TO PROVIDE FOR REPLACEMENT STICKERS, AND TO PROVIDE FOR STICKERS FOR THOSE ENGAGED IN THE MANUFACTURE AND SALE OF VESSELS; AND DECLARING AN EMERGENCY.

[H 523](#), [H 524](#), [H 525](#), [H 526](#), [H 527](#), [H 528](#), [H 529](#), [H 530](#), [H 531](#), [H 532](#), and [H 533](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

**Second Reading of Bills and Joint Resolutions**

[H 513](#), by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

[H 464](#), [H 465](#), [H 466](#), and [H 467](#), by Agricultural Affairs Committee, were read the second time by title and filed for third reading.

[H 398](#), by Transportation and Defense Committee, was read the second time by title and filed for third reading.

[H 457](#), by Appropriations Committee, was read the second time by title and filed for third reading.

[S 1302](#) and [S 1307](#), by Finance Committee, were read the second time by title and filed for third reading.

### **Third Reading of Bills and Joint Resolutions**

[HCR 36](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Crane to open debate.

The question being, "Shall [HCR 36](#) be adopted?"

Whereupon the Speaker declared [HCR 36](#) adopted by voice vote and ordered the resolution transmitted to the Senate.

[HCR 37](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nielsen to open debate.

The question being, "Shall [HCR 37](#) be adopted?"

Whereupon the Speaker declared [HCR 37](#) adopted by voice vote and ordered the resolution transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until Monday, February 15, 2010. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

### **Adjournment**

Mr. Moyle moved that the House adjourn until 10:30 a.m., Monday, February 15, 2010. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:47 a.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk